

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Diamond offered the following:

Amendment

Remove lines 260-777 and insert:

excluded from Part XIV of this chapter under s. 736.1405(2).

(24) ~~(21)~~ "Terms of a trust" means:

(a) Except as otherwise provided in paragraph (b), the
manifestation of the settlor's intent regarding a trust's
provisions as:

1. Expressed in the trust instrument; or

2. Established by other evidence that would be admissible
in a judicial proceeding; or

(b) The trust's provisions as established, determined, or
amended by:

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16 1. A trustee or trust director in accordance with
17 applicable law;

18 2. Court order; or

19 3. A nonjudicial settlement agreement under s. 736.0111,
20 relating to nonjudicial settlement agreements ~~the manifestation~~
21 ~~of the settlor's intent regarding a trust's provisions as~~
22 ~~expressed in the trust instrument or as may be established by~~
23 ~~other evidence that would be admissible in a judicial~~
24 ~~proceeding.~~

25 (25) "Trust director" means a person who is granted a
26 power of direction by the terms of a trust to the extent the
27 power is exercisable while the person is not serving as a
28 trustee. The person is a trust director whether or not the terms
29 of the trust refer to the person as a trust director and whether
30 or not the person is a beneficiary or settlor of the trust.

31 Section 4. Paragraph (b) of subsection (2) of section
32 736.0105, Florida Statutes, is amended to read:

33 736.0105 Default and mandatory rules.—

34 (2) The terms of a trust prevail over any provision of
35 this code except:

36 (b) Subject to s. 736.1409, relating to the duties and
37 liabilities of a directed trustee; s. 736.1411, relating to
38 limitations on duties of a trustee or trust director to monitor,
39 inform, or advise on matters involving the other; and s.
40 736.1412, relating to the allocation of powers among cotrustees,

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41 requirements for excluded cotrustees to act as a directed
42 trustee, and liability and related obligations of directing
43 cotrustees, the duty of the trustee to act in good faith and in
44 accordance with the terms and purposes of the trust and the
45 interests of the beneficiaries.

46 Section 5. Subsection (1) of section 736.0201, Florida
47 Statutes, is amended, and subsection (7) is added to that
48 section, to read:

49 736.0201 Role of court in trust proceedings.—

50 (1) Except as provided in subsections (5), ~~and (6), and~~
51 (7) and s. 736.0206, judicial proceedings concerning trusts
52 shall be commenced by filing a complaint and shall be governed
53 by the Florida Rules of Civil Procedure.

54 (7) A proceeding to determine the homestead status of real
55 property owned by a trust may be filed in the probate proceeding
56 for the settlor's estate if the settlor was treated as the owner
57 of the interest held in the trust under s. 732.4015. The
58 proceeding shall be governed by the Florida Probate Rules.

59 Section 6. Subsection (3) is added to section 736.0603,
60 Florida Statutes, to read:

61 736.0603 Settlor's powers; powers of withdrawal.—

62 (3) Subject to ss. 736.0403(2) and 736.0602(3)(a), the
63 trustee may follow a direction of the settlor that is contrary
64 to the terms of the trust while a trust is revocable.

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65 Section 7. Subsections (3), (7), and (9) of section
66 736.0703, Florida Statutes, are amended to read:

67 736.0703 Cotrustees.—

68 (3) Subject to s. 736.1412, relating to the allocation of
69 powers among cotrustees, requirements for excluded cotrustees to
70 act as a directed trustee, and liability and related obligations
71 of directing cotrustees, a cotrustee must participate in the
72 performance of a trustee's function unless the cotrustee is
73 unavailable to perform the function because of absence, illness,
74 disqualification under other provision of law, or other
75 temporary incapacity or the cotrustee has properly delegated the
76 performance of the function to another cotrustee.

77 (7) Except as otherwise provided in s. 736.1412, relating
78 to the allocation of powers among cotrustees, requirements for
79 excluded cotrustees to act as a directed trustee, and liability
80 and related obligations of directing cotrustees ~~subsection (9),~~
81 each cotrustee shall exercise reasonable care to:

82 (a) Prevent a cotrustee from committing a breach of trust.

83 (b) Compel a cotrustee to redress a breach of trust.

84 ~~(9) If the terms of a trust provide for the appointment of~~
85 ~~more than one trustee but confer upon one or more of the~~
86 ~~trustees, to the exclusion of the others, the power to direct or~~
87 ~~prevent specified actions of the trustees, the excluded trustees~~
88 ~~shall act in accordance with the exercise of the power. Except~~
89 ~~in cases of willful misconduct on the part of the excluded~~

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90 ~~trustee, an excluded trustee is not liable, individually or as a~~
91 ~~fiduciary, for any consequence that results from compliance with~~
92 ~~the exercise of the power. An excluded trustee does not have a~~
93 ~~duty or an obligation to review, inquire, investigate, or make~~
94 ~~recommendations or evaluations with respect to the exercise of~~
95 ~~the power. The trustee or trustees having the power to direct or~~
96 ~~prevent actions of the excluded trustees shall be liable to the~~
97 ~~beneficiaries with respect to the exercise of the power as if~~
98 ~~the excluded trustees were not in office and shall have the~~
99 ~~exclusive obligation to account to and to defend any action~~
100 ~~brought by the beneficiaries with respect to the exercise of the~~
101 ~~power. The provisions of s. 736.0808(2) do not apply if the~~
102 ~~person entrusted with the power to direct the actions of the~~
103 ~~excluded trustee is also a cotrustee.~~

104 Section 8. Section 736.0808, Florida Statutes, is
105 repealed.

106 Section 9. Present subsection (7) of section 736.1008,
107 Florida Statutes, is redesignated as subsection (8), a new
108 subsection (7) is added to that section, and paragraph (a) of
109 subsection (1), subsection (2), and paragraphs (a) and (c) of
110 subsection (4) of that section are amended, to read:

111 736.1008 Limitations on proceedings against trustees.—

112 (1) Except as provided in subsection (2), all claims by a
113 beneficiary against a trustee for breach of trust are barred as
114 provided in chapter 95 as to:

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115 (a) All matters adequately disclosed in a trust disclosure
116 document issued by the trustee or a trust director, with the
117 limitations period beginning on the date of receipt of adequate
118 disclosure.

119 (2) Unless sooner barred by adjudication, consent, or
120 limitations, a beneficiary is barred from bringing an action
121 against a trustee for breach of trust with respect to a matter
122 that was adequately disclosed in a trust disclosure document
123 unless a proceeding to assert the claim is commenced within 6
124 months after receipt from the trustee or a trust director of the
125 trust disclosure document or a limitation notice that applies to
126 that disclosure document, whichever is received later.

127 (4) As used in this section, the term:

128 (a) "Trust disclosure document" means a trust accounting
129 or any other written report of the trustee or a trust director.
130 A trust disclosure document adequately discloses a matter if the
131 document provides sufficient information so that a beneficiary
132 knows of a claim or reasonably should have inquired into the
133 existence of a claim with respect to that matter.

134 (c) "Limitation notice" means a written statement of the
135 trustee or a trust director that an action by a beneficiary
136 ~~against the trustee~~ for breach of trust based on any matter
137 adequately disclosed in a trust disclosure document may be
138 barred unless the action is commenced within 6 months after
139 receipt of the trust disclosure document or receipt of a

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140 limitation notice that applies to that trust disclosure
141 document, whichever is later. A limitation notice may but is not
142 required to be in the following form: "An action for breach of
143 trust based on matters disclosed in a trust accounting or other
144 written report of the trustee or a trust director may be subject
145 to a 6-month statute of limitations from the receipt of the
146 trust accounting or other written report. If you have questions,
147 please consult your attorney."

148 (7) Any claim barred against a trustee or trust director
149 under this section is also barred against the directors,
150 officers, and employees acting for the trustee.

151 Section 10. Present paragraphs (e), (f), and (g) of
152 subsection (1) of section 736.1017, Florida Statutes, are
153 redesignated as paragraphs (f), (g), and (h), respectively, and
154 a new paragraph (e) is added to that subsection, to read:

155 736.1017 Certification of trust.—

156 (1) Instead of furnishing a copy of the trust instrument
157 to a person other than a beneficiary, the trustee may furnish to
158 the person a certification of trust containing the following
159 information:

160 (e) Whether the trust contains any powers of direction,
161 and if so, the identity of the current trust directors, the
162 trustee powers subject to a power of direction, and whether the
163 trust directors have directed or authorized the trustee to

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164 engage in the proposed transaction for which the certification
165 of trust was issued.

166 Section 11. Effective upon this act becoming a law,
167 section 736.1105, Florida Statutes, is amended to read:

168 (Substantial rewording of section. See
169 s. 736.1105, F.S., for present text.)

170 736.1105 Effect of subsequent marriage, birth, adoption,
171 or dissolution of marriage.-

172 (1) Neither subsequent marriage, birth, nor adoption of
173 descendants shall revoke the revocable trust of any person.

174 (2) Any provision of a revocable trust that affects the
175 settlor's spouse is void upon dissolution of the marriage of the
176 settlor and the spouse, whether the marriage occurred before or
177 after the execution of such revocable trust. Upon dissolution of
178 marriage, the revocable trust shall be construed as if the
179 spouse had died at the time of the dissolution of marriage.

180 (a) Dissolution of marriage occurs at the time the
181 decedent's marriage is judicially dissolved or declared invalid
182 by court order.

183 (b) This subsection does not invalidate a provision of a
184 revocable trust:

185 1. Executed by the settlor after the dissolution of the
186 marriage;

187 2. If there is a specific intention to the contrary stated
188 in the revocable trust; or

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189 3. If the dissolution of marriage judgment expressly
190 provides otherwise.

191 (3) This section applies to revocable trusts of decedents
192 who die on or after the effective date of this section.

193 Section 12. Section 736.1109, Florida Statutes, is created
194 to read:

195 736.1109 Testamentary and revocable trusts; homestead
196 protections.-

197 (1) If a devise of homestead under a trust violates the
198 limitations on the devise of homestead in s. 4(c), Art. X of the
199 State Constitution, title shall pass as provided in s. 732.401
200 at the moment of death.

201 (2) A power of sale or general direction to pay debts,
202 expenses and claims within the trust instrument does not subject
203 an interest in the protected homestead to the claims of
204 decedent's creditors, expenses of administration, and
205 obligations of the decedent's estate as provided in s.
206 736.05053.

207 (3) If a trust directs the sale of property that would
208 otherwise qualify as protected homestead, and the property is
209 not subject to the constitutional limitations on the devise of
210 homestead under the State Constitution, title shall remain
211 vested in the trustee and subject to the provisions of the
212 trust.

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213 (4) This section applies only to trusts described in s.
214 733.707(3) and to testamentary trusts.

215 (5) This section is intended to clarify existing law and
216 applies to the administration of trusts and estates of decedents
217 who die before, on, or after July 1, 2021.

218 Section 13. Part XIV of chapter 736, Florida Statutes,
219 consisting of ss. 736.1401-736.1416, Florida Statutes, is
220 created and entitled the "Florida Uniform Directed Trust Act."

221 Section 14. Section 736.1401, Florida Statutes, is created
222 to read:

223 736.1401 Short title.—This part may be cited as the
224 "Florida Uniform Directed Trust Act."

225 Section 15. Section 736.1403, Florida Statutes, is created
226 to read:

227 736.1403 Application; principal place of administration.—

228 (1) This part applies to a trust subject to this chapter,
229 whenever created, that has its principal place of administration
230 in the state, subject to the following rules:

231 (a) If the trust was created before July 1, 2021, this
232 part applies only to a decision or action occurring on or after
233 July 1, 2021.

234 (b) If the principal place of administration of the trust
235 is changed to the state on or after July 1, 2021, this part
236 applies only to a decision or action occurring on or after the
237 date of the change.

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238 (2) In addition s. 736.0108, relating to a trust's
239 principal place of administration, in a directed trust, terms of
240 the trust that designate the principal place of administration
241 of the trust in the state are valid and controlling if a trust
242 director's principal place of business is located in or a trust
243 director is a resident of the state.

244 Section 16. Section 736.1405, Florida Statutes, is created
245 to read:

246 736.1405 Exclusions.—

247 (1) As used in this section, the term "power of
248 appointment" means a power that enables a person acting in a
249 nonfiduciary capacity to designate a recipient of an ownership
250 interest in or another power of appointment over trust property.

251 (2) Unless the terms of a trust expressly provide
252 otherwise by specific reference to this part, section, or
253 paragraph, this part does not apply to:

254 (a) A power of appointment;

255 (b) A power to appoint or remove a trustee or trust
256 director;

257 (c) A power of a settlor over a trust while the trust is
258 revocable by that settlor;

259 (d) A power of a beneficiary over a trust to the extent
260 the exercise or nonexercise of the power affects the beneficial
261 interest of:

262 1. The beneficiary; or

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263 2. Another beneficiary represented by the beneficiary
264 under ss. 736.0301-736.0305 with respect to the exercise or
265 nonexercise of the power;

266 (e) A power over a trust if the terms of the trust provide
267 that the power is held in a nonfiduciary capacity; and

268 1. The power must be held in a nonfiduciary capacity to
269 achieve the settlor's tax objectives under the United States
270 Internal Revenue Code of 1986, as amended, and regulations
271 issued thereunder, as amended; or

272 2. It is a power to reimburse the settlor for all or a
273 part of the settlor's income tax liabilities attributable to the
274 income of the trust; or

275 (f) A power to add or to release a power under the trust
276 instrument if the power subject to addition or release causes
277 the settlor to be treated as the owner of all or any portion of
278 the trust for federal income tax purposes.

279 (3) Unless the terms of a trust provide otherwise, a power
280 granted to a person other than a trustee:

281 (a) To designate a recipient of an ownership interest in
282 trust property, including a power to terminate a trust, is a
283 power of appointment and not a power of direction.

284 (b) To create, modify, or terminate a power of appointment
285 is a power of direction and not a power of appointment, except a
286 power to create a power of appointment that is an element of a
287 broader power to affect an ownership interest in trust property

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288 beyond the mere creation of a power of appointment, such as a
289 power to appoint trust property in further trust, is a power of
290 appointment and not a power of direction.

291 Section 17. Section 736.1406, Florida Statutes, is created
292 to read:

293 736.1406 Power of trust director.—

294 (1) Subject to s. 736.1407, relating to trust directors
295 being subject to the same rules as a trustee regarding Social
296 Security Act reimbursement requirements and charitable trust
297 instruments, the terms of a trust may grant a power of direction
298 to a trust director.

299 (2) A power of direction includes only those powers
300 granted by the terms of the trust.

301 (3) Unless the terms of a trust provide otherwise:

302 (a) A trust director may exercise any further power
303 appropriate to the exercise or nonexercise of a power of
304 direction granted to the trust director under subsection (1);
305 and

306 (b) Trust directors with joint powers must act by majority
307 decision.

308 Section 18. Section 736.1407, Florida Statutes, is created
309 to read:

310 736.1407 Limitations on trust director.—A trust director
311 is subject to the same rules as a trustee in a like position and
312 under similar circumstances in the exercise or nonexercise of a

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313 power of direction or further power under s. 736.1406(3) (a),
314 relating to additional power granted to a trust director in
315 furtherance of an express power of direction, regarding:

316 (1) A payback provision in the terms of a trust necessary
317 to comply with the reimbursement requirements of s. 1917 of the
318 Social Security Act, 42 U.S.C. s. 1396p(d) (4) (A), as amended,
319 and regulations issued thereunder, as amended.

320 (2) A charitable interest in the trust, including notice
321 regarding the interest to the Attorney General.

322 Section 19. Section 736.1408, Florida Statutes, is created
323 to read:

324 736.1408 Duty and liability of trust director.-

325 (1) Subject to subsection (2), with respect to a power of
326 direction or further power under s. 736.1406(3) (a), relating to
327 additional power granted to a trust director in furtherance of
328 an express power of direction:

329 (a) A trust director has the same fiduciary duty and
330 liability in the exercise or nonexercise of the power:

331 1. If the power is held individually, as a sole trustee in
332 a like position and under similar circumstances; or

333 2. If the power is held jointly with a trustee or another
334 trust director, as a cotrustee in a like position and under
335 similar circumstances.

336 (b) The terms of the trust may vary the trust director's
337 duty or liability to the same extent the terms of the trust may

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338 vary the duty or liability of a trustee in a like position and
339 under similar circumstances.

340 (2) Unless the terms of a trust provide otherwise, if a
341 trust director is licensed, certified, or otherwise authorized
342 or permitted by law other than this part to provide health care
343 in the ordinary course of the trust director's business or
344 practice of a profession, to the extent the trust director acts
345 in that capacity the trust director has no duty or liability
346 under this part.

347 (3) The terms of a trust may impose a duty or liability on
348 a trust director in addition to the duties and liabilities under
349 this section.

350 Section 20. Section 736.1409, Florida Statutes, is created
351 to read:

352 736.1409 Duty and liability of directed trustee.—

353 (1) Subject to subsection (2), a directed trustee shall
354 take reasonable action to comply with a trust director's
355 exercise or nonexercise of a power of direction or further power
356 under s. 736.1406(3) (a), relating to additional power granted to
357 a trust director in furtherance of an express power of
358 direction, and the trustee is not liable for such reasonable
359 action.

360 (2) A directed trustee may not comply with a trust
361 director's exercise or nonexercise of a power of direction or
362 further power under s. 736.1406(3) (a), relating to additional

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363 power granted to a trust director in furtherance of an express
364 power of direction, to the extent that by complying the trustee
365 would engage in willful misconduct.

366 (3) Before complying with a trust director's exercise of a
367 power of direction, the directed trustee shall determine whether
368 or not the exercise is within the scope of the trust director's
369 power of direction. The exercise of a power of direction is not
370 outside the scope of a trust director's power of direction
371 merely because the exercise constitutes or may constitute a
372 breach of trust.

373 (4) An exercise of a power of direction under which a
374 trust director may release a trustee or another trust director
375 from liability for breach of trust is not effective if:

376 (a) The breach involved the trustee's or other director's
377 willful misconduct;

378 (b) The release was induced by improper conduct of the
379 trustee or other director in procuring the release; or

380 (c) At the time of the release, the trust director did not
381 know the material facts relating to the breach.

382 (5) A directed trustee that has reasonable doubt about its
383 duty under this section may apply to the court for instructions,
384 with attorney fees and costs to be paid from assets of the trust
385 as provided in this code.

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386 (6) The terms of a trust may impose a duty or liability on
387 a directed trustee in addition to the duties and liabilities
388 under this part.

389 Section 21. Section 736.141, Florida Statutes, is created
390 to read:

391 736.141 Duty to provide information.-

392 (1) Subject to s. 736.1411, relating to limitations on the
393 duties of trustees or trust directors to monitor, inform, or
394 advise on matters involving the other, a trustee shall provide
395 information to a trust director to the extent the information is
396 reasonably related to the powers or duties of the trust
397 director.

398 (2) Subject to s. 736.1411, relating to limitations on the
399 duties of trustees or trust directors to monitor, inform, or
400 advise on matters involving the other, a trust director shall
401 provide information to a trustee or another trust director to
402 the extent the information is reasonably related to the powers
403 or duties of the trustee or other trust director.

404 (3) A trustee that acts in reliance on information
405 provided by a trust director is not liable for a breach of trust
406 to the extent the breach resulted from the reliance, unless by
407 so acting the trustee engages in willful misconduct.

408 (4) A trust director that acts in reliance on information
409 provided by a trustee or another trust director is not liable
410 for a breach of trust to the extent the breach resulted from the

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411 reliance, unless by so acting the trust director engages in
412 willful misconduct.

413 (5) A trust director shall provide information within the
414 trust director's knowledge or control to a qualified beneficiary
415 upon a written request of a qualified beneficiary to the extent
416 the information is reasonably related to the powers or duties of
417 the trust director.

418 Section 22. Section 736.1411, Florida Statutes, is created
419 to read:

420 736.1411 No duty to monitor, inform, or advise.-

421 (1) Notwithstanding s. 736.1409(1), relating to the duty
422 of a directed trustee to take reasonable action when directed
423 and to the release of liability for such action, unless the
424 terms of a trust provide otherwise:

425 (a) A trustee does not have a duty to:

426 1. Monitor a trust director; or

427 2. Inform or give advice to a settlor, beneficiary,
428 trustee, or trust director concerning an instance in which the
429 trustee might have acted differently than the trust director.

430 (b) By taking an action described in paragraph (a), a
431 trustee does not assume the duty excluded by paragraph (a).

432 (2) Notwithstanding s. 736.1408(1), relating to the
433 fiduciary duty of a trust director, unless the terms of a trust
434 provide otherwise:

435 (a) A trust director does not have a duty to:

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436 1. Monitor a trustee or another trust director; or
437 2. Inform or give advice to a settlor, beneficiary,
438 trustee, or another trust director concerning an instance in
439 which the trust director might have acted differently than a
440 trustee or another trust director.

441 (b) By taking an action described in paragraph (a), a
442 trust director does not assume the duty excluded by paragraph
443 (a).

444 Section 23. Section 736.1412, Florida Statutes, is created
445 to read:

446 736.1412 Application to cotrustee.—

447 (1) The terms of a trust may provide for the appointment
448 of more than one trustee but confer upon one or more of the
449 trustees, to the exclusion of the others, the power to direct or
450 prevent specified actions of the trustees.

451 (2) The excluded trustees shall act in accordance with the
452 exercise of the power in the manner, and with the same duty and
453 liability, as directed trustees with respect to a trust
454 director's power of direction under s. 736.1409, relating to the
455 duties and liabilities of a directed trustee; s. 736.141,
456 relating to the duties of a trustee and trust director to
457 provide and rely on information; and s. 736.1411, relating to
458 limitations on the duties of trustees or trust directors to
459 monitor, inform, or advise on matters involving the other.

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460 (3) The trustee or trustees having the power to direct or
461 prevent actions of the excluded trustees shall be liable to the
462 beneficiaries with respect to the exercise of the power as if
463 the excluded trustees were not in office and shall have the
464 exclusive obligation to account to and to defend any action
465 brought by the beneficiaries with respect to the exercise of the
466 power.

467 Section 24. Section 736.1413, Florida Statutes, is created
468 to read:

469 736.1413 Limitation of action against trust director.—

470 (1) An action against a trust director for breach of trust
471 must be commenced within the same limitation period for an
472 action for breach of trust against a trustee in a like position
473 and under similar circumstances under s. 736.1008, relating to
474 limitations on proceedings against trustees.

475 (2) A trust accounting or any other written report of a
476 trustee or a trust director has the same effect on the
477 limitation period for an action against a trust director for
478 breach of trust that such trust accounting or written report
479 would have under s. 736.1008, relating to limitations on
480 proceedings against trustees, in an action for breach of trust
481 against a trustee in a like position and under similar
482 circumstances.

483 Section 25. Section 736.1414, Florida Statutes, is created
484 to read:

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485 736.1414 Defenses in action against trust director.-In an
486 action against a trust director for breach of trust, the trust
487 director may assert the same defenses a trustee in a like
488 position and under similar circumstances could assert in an
489 action for breach of trust against the trustee.

490 Section 26. Section 736.1415, Florida Statutes, is created
491 to read:

492 736.1415 Jurisdiction over trust director.-

493 (1) By accepting appointment as a trust director of a
494 trust subject to this part, the trust director submits to the
495 personal jurisdiction of the courts of the state regarding any
496 matter related to a power or duty of the trust director.

497 (2) This section does not preclude other methods of
498 obtaining jurisdiction over a trust director.

499 Section 27. Section 736.1416, Florida Statutes, is created
500 to read:

501 736.1416 Office of trust director.-

502 (1) Unless the terms of a trust provide otherwise, a trust
503 director shall be considered a trustee for purposes of the
504 following:

505 (a) Role of court in trust proceedings under s. 736.0201.

506 (b) Proceedings for review of employment of agents and
507 review of compensation of trustee and employees of a trust under
508 s. 736.0206.

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509 (c) Representation by holder of power of appointment under
510 s. 736.0302(4), relating to how trustees with discretionary
511 power to make trust distributions do not have a power of
512 appointment for purposes of representing persons affected by
513 such power.

514 (d) Prohibition on a trustee acting as a designated
515 representative under s. 736.0306(2).

516 (e) Validation of power to select a beneficiary from an
517 indefinite class under s. 736.0402(3).

518 (f) As to allowing application by the trust director for
519 judicial modification of a trust when such modification is not
520 inconsistent with the settlor's purpose under s. 736.04113, for
521 judicial construction of provisions relating to federal taxes
522 under s. 736.04114, for judicial modification of a trust when
523 such modification is in the best interest of the beneficiaries
524 under s. 736.04115, or for judicial modification or termination
525 of an uneconomic trust under s. 736.0414(2), if the trust
526 director is so authorized by the terms of the trust.

527 (g) Discretionary trusts and the effect of a standard
528 under s. 736.0504, relating to special provisions regarding
529 discretionary trusts.

530 (h) Trust assets not being subject to creditor claims by
531 reason of discretionary powers granted to a trustee under s.
532 736.0505(1) (c).

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533 (i) A trustee's duty to pay trust obligations and expenses
534 before paying obligations and expenses of the settlor's estate
535 under s. 736.05053(4).

536 (j) Acceptance or declination of a trusteeship under s.
537 736.0701.

538 (k) Requirement to give bond to secure performance under
539 certain circumstances and court discretions relating to such
540 bonds under s. 736.0702.

541 (l) Filling trustee vacancies and court appointment of an
542 additional trustee or special fiduciary under s. 736.0704.

543 (m) Resignation of a trustee under s. 736.0705, including
544 requirements, court authorizations, and remaining liabilities.

545 (n) Court removal of a trustee, including who may request
546 a removal, under s. 736.0706, but not to give the trust director
547 the power to request removal of a trustee.

548 (o) Reasonable compensation of a trustee or professional
549 acting as a trustee under s. 736.0708.

550 (p) Entitlement of a trustee to reimbursement of expenses
551 and liens to secure advances under s. 736.0709.

552 (q) Authority to pay costs or attorney fees without
553 approval under s. 736.0802(10), if the trust director has a
554 power of direction or, if the trust director has a further power
555 to direct, the payment of such costs or attorney fees under s.
556 736.1406(2), relating to the explicit power of direction granted
557 to a trust director, or s. 736.1406(3) (a), relating to the

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558 implied additional power of a director in furtherance of an
559 express power of direction.

560 (r) Limitations on a trustee's discretionary powers under
561 s. 736.0814.

562 (s) Administration of trusts by trustees without regard to
563 pending contests or proceedings, except as the court directs,
564 under s. 736.08165.

565 (t) A trustee's obligation to invest in accordance with
566 chapter 518 under s. 736.0901.

567 (u) The exception to the prudent investor rule for life
568 insurance under s. 736.0902.

569 (v) Remedies available for a trustee breach of trust under
570 s. 736.1001.

571 (w) Damages against a trustee for breach of trust under s.
572 736.1002.

573 (x) A trustee's immunity from liability for loss or no
574 profit under s. 736.1003 if there is no breach of trust.

575 (y) Court-awarded attorney fees and costs under s.
576 736.1004 for breach of trust challenges.

577 (z) Fees available to a trustee's attorney for
578 extraordinary service under s. 736.1007(5), court variance of
579 compensation for a trustee's attorney under s. 736.1007(6), and
580 agreements between a settlor and an attorney for fees to be
581 provided to a trustee under s. 736.1007(7).

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582 (aa) A trustee's immunity from liability for a breach of
583 trust under s. 736.1009 if the trustee relied on the trust
584 instrument terms.

585 (bb) Limitations on a trustee's liability for acting
586 without knowledge of relevant events under s. 736.1010.

587 (cc) Limitations on a trustee's exculpation of liability
588 under the terms of a trust under s. 736.1011.

589 (dd) The release of a trustee from liability with consent,
590 the release or ratification of a beneficiary, and the
591 limitations on such actions under s. 736.1012.

592 (ee) Limitations on imposing liability on a trustee for
593 obligations of a settlor under s. 736.1014.

594 (2) If a person has not accepted a trust directorship
595 under the terms of the trust or has accepted or declined a
596 trusteeship under s. 736.0701 or a trustee,